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Crl.O.P.No.25014 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25014 of 2022

Rajasekar Prasad

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai 7.
(Ref Crime No.389/2015 dated 15.10.2015)

2.E.D.Munusamy

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the XI Metropolitan Magistrate Court at Saidapet, Chennai to complete the trial in C.C.No.2725 of 2019 within stipulated time.

For Petitioner : Mr.C.Arun Kumar

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the XI Metropolitan Magistrate Court at Saidapet, Chennai to complete the trial in C.C.No.2725 of 2019 within stipulated time.



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2. The learned Counsel appearing for the petitioner submitted that the petitioner gave a complaint against one Munusamy/second respondent. On receiving the complaint, the respondent police registered a case against the second respondent in Crime No.389 of 2015 for the offence punishable under Section 409 of IPC. After investigation, charge sheet has been filed before the XI Metropolitan Magistrate Court at Saidapet, Chennai and the case has been taken on file in C.C.No.2725 of 2019. The second respondent has been prosecuted for the offence punishable under Section 409 of IPC. In the meanwhile, the second respondent had filed the discharge petition under Section 245(2) of Cr.P.C., before the XI Metropolitan Magistrate Court at Saidapet, Chennai and the discharge petition has been taken on file in Crl.M.P.No.74 of 2020. After filing counter by the respondent police in the discharge petition, there is no progress in the discharge petition as well as the case in C.C.No.2725 of 2019. Hence, the present petition has been filed.

3. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner and perused the materials available on record.



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4. On perusal of the records, it appears that the petitioner is the complainant and on receiving the complaint from the petitioner, the respondent police registered a case in Crime No.389 of 2015 for the offence punishable under Section 409 of IPC and the case has been taken on file in C.C.No.2725 of 2019 by the XI Metropolitan Magistrate Court at Saidapet, Chennai. During the course of trial, the accused had filed discharge petition in Crl.M.P.No.74 of 2020. It is seen that the case in C.C.No.2725 of 2019 has been protracted from 30.08.2019 without any valid reasons. Thereafter, there is no progress in the case. Thereby, the XI Metropolitan Magistrate Court at Saidapet, Chennai is directed to complete the trial and dispose of the case in C.C.No. 2725 of 2019 within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition stands disposed of.

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Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

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V.SIVAGNANAM,J.

shk

To

1. The XI Metropolitan Magistrate Court at Saidapet, Chennai
- 2.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai 7.
3. The Public Prosecutor,
High Court of Madras.

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